

Serial No. 10/694,192

Atty. Doc. No. 2000P20254WOUS

REMARKS

Applicants have amended claims 25, 26, 31, 34, and 41 and added new claim 45. Thus, claims 25 – 37, 41, and 45 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Issue Regarding Priority:

In response to Examiner's request for clarification of priority, Applicant respectfully submits that inventive features disclosed in Figure 9 are fully disclosed in the specification submitted as part of the PCT application (see PCT/EP02/04540 specification page 23 lines 13 – 22). Applicant included Figure 9 merely to illustrate features disclosed fully in the specification. Applicant submits that no new matter has been added by Figure 9. However, in an effort to advance prosecution, Applicant has re-designated the application as a Continuation in Part to the extent that any new matter is presented (Although Applicant believes that no new matter has been added).

Response to Rejection Under Section 112:

Claims 26 – 28, and 33 stand rejected under 35 U.S.C. § 112, the Examiner contending that these claims are indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. Applicant has amended claim 26 by deleting the phrase "in particular" from the claim language. Applicant has amended claim 31 correcting the antecedent basis and further clarifying the term "the end." Therefore, Applicant respectfully requests that the Examiner withdraw the Section 112 rejection.

Response to Rejection Under Section 102

Claims 25, 29, 30, and 41 stand rejected under 35 U.S.C. § 102(b), the Examiner contending that these claims are anticipated by Alkabie (EP 896193); claims 25, 29, 30, and 41 stand rejected under 35 U.S.C. § 102(b), the Examiner contending that these claims are anticipated by Eriksson (USPN 4,362,500). The Examiner apparently reads Alkabie and Eriksson as disclosing Applicant's claimed combustion chamber.

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Applicant has amended claim 25 to include the limitation of a stiffening rib arranged on a surface of the housing and oriented in an axial direction in the direction of hot gas flow, the stiffening rib sized and configured to reduce stress in the housing (see e.g. Applicant's specification page 6 lines 4 – 8 and Figures 1 and 2 defining axial direction A). In contrast, Alkabie discloses turbulators 48 (not stiffening ribs) for the purpose of maximizing cooling of a combustion chamber wall (see Alkabie's specification column 4 paragraph 0021). Moreover, Alkabie does not teach or suggest sizing or placing the turbulators 48 to reduce combustion chamber stress. The size and location of the stiffening ribs is not a matter of mere design choice but is selected to reduce any excessive stresses arising in the housing (see e.g. Applicant's specification page 16 line 34 to page 17 line 6). Regarding Eriksson, Eriksson does not teach or disclose a stiffening rib, let alone a stiffening rib oriented in an axial direction sized and configured to reduce stress.

In view of the above, independent claim 25 is patentable. Dependent claims 26 – 37, and 41 are also patentable at least based on their dependency from claim 25, as well as based on their own merit. For example, dependent claim 26 recites a housing is made of sheet metal having a wall thickness between 3 mm and 10 mm. Applicant's selection of a wall thickness between 3 mm and 10 mm would not be obvious to one skilled in the art. When determining wall thickness, one skilled in the art must consider several interrelated physical characteristics (e.g. size, material, and shape) and design characteristics (e.g. cost, manufacturability, and durability). A thin wall is more effectively cooled by Applicant's claimed convective cooling scheme and therefore using Applicant's claimed thinner material provides further patentable distinction (see e.g. Applicant's specification page 4 lines 1 – 9). In contrast, Alkabie or Eriksson do not disclose or suggest the physical characteristics or design characteristics necessary to accommodate Applicant's claimed thin wall. For another example, dependent claim 41 recites that the housing is split in one sectional plane. In contrast, Alkabie and Eriksson disclose a housing that is not split. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejection.

Response to Rejections Under Section 103:

Claims 26 - 28 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Alkabie in view of obvious design considerations; claims 26 – 28,

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and 29 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Eriksson optionally in view of Alkabie; claims 31 – 37 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Becker (WO 99/47874), Liebe (DE 197 51 299 A1), and Walz et al. (USPN 6,085,515) and optionally Moore (USPN 5,326,206).

In view of the remarks in connection with the Section 102 rejection, Applicant respectfully submits that Alkabie, alone or in combination, or Eriksson, alone or in combination, or Becker, alone or in combination, does not teach or suggest the claimed invention. Reconsideration and withdrawal of the Section 103 rejection is respectfully requested.

Discussion of New Claim 45:

New claim 45 further defines the scope of the invention, as described in the specification and drawings. For example, claim 45 recites a combustion chamber comprising a cooling air inlet orifice arranged adjacent to an interlocking joint on the outer wall structure such that where cooling air enters a cooling air channel, a section of a housing is cooled by impingement cooling and the housing extends from the burner to the hot gas outlet orifice. Locating the interlocking joint at this location provides for sealing against loss of cooling air and ensures a rest position for the housing without restricting the necessary expansion possibilities of the housing during operation (see e.g. Applicant's specification page 16 lines 13 – 24). In view of the foregoing remarks regarding claims 25 - 37, and 41, Applicant respectfully submits that claim 45 is patentable and respectfully request allowance of these claims.

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Conclusion:

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 10/12/05By: 

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